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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,561	10/28/2003	Michael J. Picciallo	P22,425-G USA	9169
7590 03/08/2006 Synnestvedt & Lechner LLP 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			EXAMINER SHAH, AMEE A	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,561

Applicant(s)

PICCIALLO, MICHAEL J.

Examiner

Amea A. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-14, 16 and 17 are pending in this action.

Response to Amendment

Applicant's amendment filed October 5, 2005, has been entered. Claims 1, 8, 9 and 16 have been amended. Claim 15 has been cancelled.

Response to Arguments

Applicant's arguments filed October 5, 2005, with respect to the priority date have been fully considered but they are not persuasive. In particular, Applicant argues that the documents applied by Examiner in rejecting the claims do not qualify as prior art because Applicant's priority extends back to April 16, 199, the filing date of application 08/585,173. The amended claims removed the requirement that the method be computer based. However, the '173 application also did not disclose creating for each third party an account. The '173 application discloses creating a customer account for the first party (person who has a financial dependant), from which **allowance cards** in specific denominations with specific limitations can be issued to third parties (financial dependants), but does disclose **creating accounts** for these third parties (*see* page 4 and accompanying figure). Therefore, priority of the current application extends to application number 08/876,929, filed June 16, 1997, and the cited documents qualify as prior art.

Applicant's arguments with respect to claims 1-17 are similarly not persuasive as the documents do qualify as prior art.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming, US Pat. No. 5,953,710 (hereinafter “Fleming”) in view of Matsumoto et al., US Pat. No. 6,345,263 (hereinafter “Matsumoto et al”).

Referring to claim 1. Fleming discloses a computer-based method for transferring funds from a bank or credit card account of a fund depositor to third party dependents (Figure 1 and col. 5, lines 30-31 – note that the computer is comprised of the processing systems), comprising:

- creating a bank or credit card account for debit or credit card access by a third party financially dependent upon a fund depositor, from which funds may be transferred at the request of said third party as a cash withdrawal or payment for goods or services purchased by said third party (col. 5, lines 40-62 and col. 12, line 56 through col. 13, line 15 – note that the creation of the account is the creation of the parent account with an established available credit for child’s use and is inherently capable of being used for the purpose of creating access by the third party and from which funds may be transferred at the request of the third party for the purpose of cash withdrawal or payment for goods and services); and
- limiting the amount of funds in said bank or credit card account of said third party dependent that may be withdrawn as cash or spent on at least one class of goods or services in

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response to instructions from said fund depositor (col. 6, lines 30-32 and col. 13, lines 2-23 – note that the limiting of the amount of funds is the parent-determined child's credit limit and available credit).

Fleming does not disclose wherein said limiting step comprises prohibiting any amount of funds to be withdrawn as cash or spent on at least one class of goods or services.

Matsumoto et al. discloses an electronic purse system and method having an IC card for storing electronic money information and information for giving transaction conditions and restrictions (col. 1, lines 59-63), including limiting transactions to prohibit any amount of funds to be withdrawn as cash or spent on at least one class of goods or services (col. 2, lines 6-39 – note that the prohibition on any amount of funds is the using of the age stored to prevent selling of alcoholic drink or cigarettes).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Fleming to include the teachings of Matsumoto et al. to allow for the limiting step to comprise prohibiting any amount of funds to be withdrawn as cash or spent on at least one class of goods or services. Doing so would allow for “appropriate use of electronic money automatically taking care of restrictions and conditions due to... age,” and “automatically prevent selling to a minor,” thereby providing a control mechanism to ensure money is spent properly and within the condition set forth by a parent or other fund depositor, as explicitly suggested in Matsumoto et al. (col. 1, lines 47-58).

Referring to claim 2. Fleming in view of Matsumoto et al. further discloses the method of claim 1, further comprising the step of periodically and automatically transferring funds into

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said third party account from said fund depositor account in response to command instructions from said fund depositor (Fleming, col. 14, lines 55-60 – “[w]hen the parent selected allowances, they would be prompted by the Bank Telecom Interface to enter the allowance amount and the periodic interval of the allowance, such as weekly”).

Referring to claim 3. Fleming in view of Matsumoto et al. discloses the method of claim 1 comprising the further step of storing information on fund transferees and corresponding payment amounts for said third party account (Fleming, col. 6, lines 4-24 – note the step of storing information is the inclusion of information in the data model which comprises databases); and supplying to said fund depositor through an output device said information on fund transferees and corresponding payment amounts for said third party account (Fleming, Figure 2A and col. 7, lines 25-37 – note the supplying of information is the monthly statement).

Referring to claim 4. Fleming in view of Matsumoto et al. further discloses the method of claim 1, wherein said fund depositor account and said third party account are both in communication with an external bank, credit card or ATM network (Fleming, col. 5, lines 10-24 – note that the external network is the Merchant Credit Card Transaction Processing System).

Referring to claim 5. Fleming in view of Matsumoto et al. further discloses the method of claim 1, wherein said bank or credit card account for said fund depositor is established for the transfer of funds to said third party account (Fleming, col. 5, lines 40-62 and col. 12, line 56

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through col. 13, line 15 – note that the account is inherently capable of being established for the purpose of transferring funds to said third party account).

Referring to claims 6-7. Fleming in view of Matsumoto et al. discloses the method of claim 1 further comprising the step of verifying each transfer requested by said third party to determine whether the goods or services to be purchased are authorized (claim 6) and wherein said goods or services comprise books, computer software, food, lodging or entertainment (claim 7) (Fleming, col. 8, lines 14-37 – note that the verification is the approval and is inherently capable of being performed for the purpose of determining whether the goods or services to be purchased are authorized, and that goods or services purchased are inherently capable of being comprised of books, computer software, food, lodging or entertainment).

Referring to claim 8. Fleming in view of Matsumoto et al. discloses the method of claim 1 further comprising limiting periodically the amount that can be spent on at least one class of goods or services in response to instructions from said fund depositor (Fleming, col. 14, lines 45-60 – note the limiting periodically in response to instructions from fund depositor is the periodic interval of the allowances).

Referring to claims 10-11. Fleming in view of Matsumoto et al. discloses the method of claim 3 wherein said information on fund transferees and corresponding payment amounts for said third party account is automatically supplied to said fund depositor (claim 10), and wherein

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said supplying step is performed periodically (claim 11) (Fleming, Figure 2A and col. 7, lines 25-37 – note the statement is inherently automatically supplied and the period is monthly).

Referring to claim 13. Fleming in view of Matsumoto et al. further discloses the method of claim 2, wherein said funds are transferred weekly or monthly (Fleming, col. 14, lines 55-60 – “[w]hen the parent selected allowances, they would be prompted by the Bank Telecom Interface to enter the allowance amount and the periodic interval of the allowance, such as weekly” - note that the periodic interval is inherently capable of being performed on a monthly basis as well as weekly).

Referring to claim 14. Fleming in view of Matsumoto et al. further discloses the method of claim 1 wherein said financially dependent third party is a son or daughter of said fund depositor (Fleming, col. 3, lines 11-25 – note that son or daughter is included in child).

Referring to claim 16. Fleming in view of Matsumoto et al. discloses the method of claim 1 wherein the withdrawal of cash or spending on alcohol or tobacco is prohibited so that one can automatically prevent selling alcohol or tobacco to a minor (Matsumoto et al., col. 1, lines 47-58 and col. 2, lines 6-39 – note that the prohibition on any amount of funds is the using of the age stored to prevent selling of alcoholic drink or cigarettes)

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Matsumoto et al. and further in view of Dethloff et al., US Pat. No. 4,837,422 (hereinafter “Dethloff et al.”).

Referring to claim 9. Fleming in view of Matsumoto et al. discloses the method of claim 1 further comprising limiting the transactional amount in response to instructions from said fund depositor (Fleming,

Dethloff et al. discloses a multi-user card system with restrictions for use by a sub-user to a desired extent with regard to value and time (*see* Abstract), including limiting the transactional amount in response to instructions from said fund depositor (col. 7, lines 38-46 – note that the limiting of the transactional amount is the assignment of the M-card for one expected transaction and for limited amounts).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Fleming in view of Matsumoto et al. to further include the teachings of Dethloff et al. to allow for the limit to be a periodic limit on the amount that can be spent on at least one class of goods or services or a limit on the transactional amount. Doing so would allow for parents to allow their children to obtain certain services while staying within the conditions and limitations of a fixed time period and amount, allowing the parents more control over the child’s spending habits, greatly enhancing the comfort and convenience of parents, as suggested in Dethloff et al. (col. 6, lines 22-32).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Matsumoto et al. and further in view of Hilt et al., US Pat. No. 5,465,206 (hereinafter “Hilt et al.”).

Referring to claim 12. Fleming in view of Matsumoto et al. discloses the method of claim 3, as discussed supra, but does not disclose wherein said information is supplied via email.

Hilt et al. discloses an electronic bill pay system wherein information is supplied via e-mail (col. 22, lines 41-45, “a message could be interchangeably embodied in a postal mail paper form, an e-mail message, a telephone voice response session, etc.” – note that a message includes information regarding transactions).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Fleming in view of Matsumoto et al. to further include the teachings of Hilt et al. to allow for the information to be supplied via email. Doing so would result in a reduction of paper and increase in efficiency thereby resulting in increase in profits, as suggested by Hilt et al. (col. 6, lines 19-21 and col. 20, lines 22-25).

Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming in view of Matsumoto et al. and further in view of Oncken et al., US Pat. No. 4,725,719 (hereinafter “Oncken et al.”).

Referring to claim 17. Fleming in view of Matsumoto et al. discloses the method of claim 1, as discussed supra, but does not disclose wherein a class of goods or services that is limited is an individual payee.

Oncken et al. discloses a restricted purpose, commercial, monetary regulation method whereby a network is established between a business owner, acceptor of the restricted purpose card and a financial institution so that the business user is enabled to purchase only one specific product or service from the acceptor (*see* Abstract). Oncken et al. further discloses wherein a class of goods or services that is limited is an individual payee (col. 4, lines 19-27 – note that the individual payee is the employer-selected payee).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Fleming in view of Matsumoto et al. to further include the teachings of Oncken et al. to allow for wherein a class of goods or services that is limited is an individual payee. Doing so would result in parents allowing children to make purchases with the assurance that the children will use the funds allocated to them for the specific goods or services from the source, service-provider, bookstore, supermarket or restaurant, pre-approved by the parents and will minimize the risk of abuse of funds by the children, as suggested in Oncken et al. (col. 3, lines 15-22).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS

March 6, 2006



Jeffrey A. Smith
Primary Examiner